
EXHIBIT A PART 5

cc: Jean Ann McGrane, City Manager
Geoffrey E. Chanin, Corporation Counsel
~~Steve~~ Hunter, Code Compliance Supervisor
Nancy Evans, Secretary to the ARC

A handwritten signature in black ink, appearing to read "Steve", enclosed within a circle.

**CITY OF NEWBURGH
ARCHITECTURAL REVIEW COMMISSION**
Mary Crabb, Chairperson Nancy Evans, Secretary
123 Grand Street, Newburgh, N.Y. 12550 (845) 569-7400 Fax 569-0096

ARCHITECTURAL REVIEW COMMISSION meeting of May 8, 2007.

The regular meeting of the City of Newburgh **Architectural Review Commission** was held on **Tuesday, May 8, 2007** at 7:30 p.m. in the Activity Center at 401 Washington Street, Newburgh, New York.

Members Present: **Mary Crabb, Chairperson**
Barbara Lonczak
Charles Passarotti
Brigidanne Flynn

Members Absent: **Peter King**
Chris Hanson

Also present: **Michelle Kelson, Assistant Corporation Counsel**
Steve Hunter, Code Compliance Supervisor

The meeting was called to order at 7:30 p.m. after a quorum was confirmed.

OLD BUSINESS

AR 2006-39 **96 Broadway**
For addition, alterations and repairs to doors, roof, windows, steps, clock, finials, columns, and decorative cornices. Paint colors to be beige and white.
Applicant: 96 Broadway LLC

The Chairman of the Board then opened the Public Hearing by reading the text of the notice.

No one appeared before the board for this application.

Ms. Lonczak – Madame Chairwomen. Can I make a motion anyway? I believe we were advised that we could.

Ms. Kelson – You can make a motion. I believe we have not held a public hearing on the application so it that is the case.

The public hearing is still open.

I would see if there were any comments tonight and go ahead.

There was no one present to speak for or against this appeal.

The public hearing was completed on May 8, 2007.

Mr. Hunter – Maximo Blake said he was going to be here tonight. Maybe table it.

Ms. Kelson – We were advised that Mr. Blake would be here but that it would not be for the presentation of moving forward with any matters that were discussed at the work session.

A motion to approve the application was made by Ms. Lonczak and seconded by Mr. Passarotti.

The motion was denied with a vote of 0-4.

Ms. Lonczak – Madame Chairwomen. I would like to make a motion to recommend that the City take the necessary steps to secure and protect 96 Broadway and to hold the owner's of 96 Broadway accountable in full. Seconded by Ms. Flynn.

The motion was approved with a vote of 4-0.

AR 2006-87

**Original application received in December packet –
159-167 Washington Street**
To replace broken windows with new aluminum bronze tone windows.
Applicant: Newburgh Homes, LLC, Andrew Perkal

The applicant did not appear before the Board. This matter is tabled for applicant's appearance.

AR 2006-89

**Original application received in December packet –
8 Mill Street**
To paint the front of building and trim – color – Yellow Egg Shell and to replace a metal porch railing with a wood railing.
Applicant: Salvatore Cracolici

The applicant did not appear before the Board. This matter is tabled for applicant's appearance.

AR 2007-30

61 Chambers Street
To demolish an existing single family dwelling and create a parking lot in its place.
Applicant: Life Restoration Church, Michael Mc Lymore

This application is tabled while waiting for a report from the Building Inspectors office stating the structural integrity of the building.

NEW BUSINESS**AR 2007-31****151 Ann Street**

Needs a recommendation to appear before the Zoning Board of Appeals for a change in use for a two family.

Applicant: Drew Kartiganer

Owner: Eddie Aydag, Mellon Properties Inc.

Drew Kartiganer appeared before the board.

Mr. Kartiganer explained the project to the board. He was rejected for his building permit. He only wants a two family use. It was a two family, it is a two family but the City of Newburgh does not have documentation that it is a two family. We are going through the variance procedure and we need ARC approval first. Received a violation for using building as a two family. Is actually 11 South Johnston Street.

A motion to approve the application was made by Ms. Flynn and seconded by Mr. Passarotti.

The motion was approved with a vote of 4-0.

AR 2007-32**81-83 Liberty**

To paint all the wood trim on building. Colors to be used BM Sussex Green HC-109, BM Hodley Red HC-65 and Shelburne Buff HC-28.

Applicant: Mary Ann Prokosch

Chris Knasiak appeared before the board on behalf of Mary Ann Prokosch.

Ms. Knasiak explained the project to the board. Ms. Prokosch wants to paint the trim on the building. The colors are attached to the application. They are BM Sussex Green HC-109, BM Hodley Red HC-65 and BM Shelburne Buff HC-28. The brick will stay the same just paint around the windows and the front.

A motion to approve the application was made by Ms. Lonczak and seconded by Mr. Passarotti.

The motion was approved with a vote of 4-0.

PUBLIC HEARINGS**AR 2007-33****207 Broadway**

To install a vinyl awning with aluminum poles. Color is to be blue with white lettering. 15' wide x 3' high x 30" out. Non lighted.

Applicant: Jose and Maria Esquerette

Owner: Dario Pinas

The Chairman of the Board then opened the Public Hearing by reading the text of the notice.

Jose and Maria Esquerette appeared before the board.

Mr. Esquerette explained their project to the board. The sign is blue with white lettering, made of light-weight aluminum. The sign is up already. They have just started renting the store. They did not know they needed to come before the board. They received a violation.

Ms. Flynn – How about a flat sign across the front. A lot of the other buildings similar to this have flat signs?

There was no one present to speak for or against this appeal.

The public hearing was completed on May 8, 2007.

A motion to approve the application was made by Ms. Lonczak and seconded by Ms. Flynn.

Ms. Lonczak – For the future you are obligated to come before this board first and I would appreciate it if you could tell the owner that.

The motion was denied with a vote of 3-1.

AR 2007-34

46 Beacon

To reconstruct a fence around his front and back yard. The fence will be wood stockade style made of spruce-pine-fir. Height will be 6 feet, length of fence in front 65 feet, length of fence in back yard 61 feet.

Applicant: Humberto Hernandez

The Chairman of the Board then opened the Public Hearing by reading the text of the notice.

Humberto Hernandez appeared before the board.

Mr. Hernandez explained his project to the board. He wants to put up a fence to protect his property from trash and keep it clean. He has had to change the windows due to them being broken. A stockade fence 6 feet high is what he wants.

Ms. Flynn – There are no other stockade fences in the front. Down the street they have a 4 ft high picket fence.

Ms. Lonczak – We are thinking that is very high and a stockade also.

Ms. Crabb – It's not the problem of you having a fence. It is the type of fence you want to put up. If you wanted to do a metal aluminum that looks like wrought iron in the front that would work. You can do whatever you want in the backyard.

There were no people to speak for or against this appeal.
The public hearing was completed on May 8, 2007

Ms. Crabb – Now I need a motion on the application and before we get the motion how would you be willing to change the original application?

Mr. Hernandez – For the front fence, whatever you recommend.

Ms. Passarotti – The picket fence is the type. The height is an issue regardless. 4 ft is what we would recommend. Also a fence similar to what you have in the back of your house now. Or an aluminum or wrought iron that is similar in character to the picket fence, 4 ft high as well.

A motion to approve the application was made by Ms. Lonczak and seconded by Ms. Flynn.

The motion was approved with a vote of 4-0.

AR 2007-35

70 Dubois Street

To change the Carter Street side of St. Luke's Hospital between Dubois Street and City Terrace from a paved street into a landscaped public pedestrian plaza.

Applicant: Phillip Baldoni, Highland Associates

Owner: St. Luke's Hospital

The Chairman of the Board, Ms. Crabb, stated that she needed to recuse herself from this application due to being a member of the foundation board. As a result we did not have a quorum for this application.

Ms. Kelson – As you know our chairman Ms. Crabb, is on the hospital foundation board. Our code of ethics make it difficult for her to objectively hear the application. With that recusal we only have 3 members. We need 4 members to constitute a quorum to hold an official meeting. You need 4 affirmative votes of the whole which is 7 to pass any application. Not a majority of those members present. So even if you presented the application and the chairwoman recused or abstained from the vote the most affirmative votes you could get are 3 and that is insufficient as a matter of law.

This application will be heard next month.

AR 2007-36

68 Lander Street

To repair the sidewalk; to replace windows with American Craftsman model 1200 double hung; to paint the front exterior using Behr BW-13 Creamy Almond; to fix the front step and gutter; to replace missing shutter.

Applicant: Delsap LLC

Joe Dellaflora appeared before the board.

Mr. Dellaflora explained his project to the board. They purchased the building and inherited the violations and we are trying to correct them. Broken windows

and sidewalk. Sidewalk- repair in kind. One of the windows is broken so they decided to change them all. All the windows are Craftsman Vinyl Double Hung. They have started to change the windows. They did not realize they needed to come before the board. They stopped working as soon as they were told. They want to replace a missing shutter also. Paint exterior Creamy Almond, windows brown. The windows at the top are for the attic.

Mr. Passarotti – Vinyl replacements are no good. Vinyl Clad wood we could entertain.

Mr. Dellafiora – The windows we are replacing are not originals. They are aluminum. Would you rather we paint the vinyl?

Ms. Kelson – No. It's not the color that is the issue, it's the detail. And what the vinyl clad wood does is it protects the historical details from the original windows when the building was constructed.

Ms. Crabb – Vinyl clad wood is the right way to go.

There were no people to speak for or against this appeal.

The public hearing was completed on May 8, 2007.

A motion to approve the application was made by Ms. Lonczak and seconded by Mr. Passarotti.

The motion was approved with a vote of 4-0.

AR 2007-37

192 Lander

To rebuild damaged retaining wall using cultured stone (Aspen Dressed fieldstone) and steps and install a new wrought iron railing.

Applicant: Jose Esquerette

Owner: Keith Hills

Jose Esquerette appeared before the board.

Mr. Esquerette explained his project to the board. 192 and 194 are attached buildings. We will be doing the same thing to both.

Ms. Crabb – We will discuss it as one and then vote on it as two individual buildings.

Mr. Esquerette – There are violations on both buildings. They want buildings to all match each other. Sunk 8-10 inches. The whole block from Gidney to South. There is an underground brook.

Ms. Lonczak – Reproducing something is not necessarily a good thing.

Mr. Esquerette – The wall will range from 34-44" high. The steps will be casted concrete single steps.

Ms. Kelson – The style of some of the other properties in the neighborhood and that this applicant is attempting to emulate, is that something that is appropriate to this time, era of the property?

There were no people to speak for or against this appeal.

The public hearing was completed on May 8, 2007.

Mr. Passarotti – The cap of the wall – cement – concrete. Can it be stained to match the stairs?

Mr. Esquerette – The owner likes stone not brick. The sidewalk is Bluestone.

A motion to approve the application was made by Mr. Passarotti and seconded by Ms. Flynn.

The motion was denied with a vote of 3-1.

Discussion after the vote:

Ms. Lonczak – I don't understand why the owner doesn't want to look at brick as the alternative. I can only recommend that you table 194 Lander.

Mr. Esquerette – Why was the building next door ok?

Ms. Kelson – The building next door was part of a larger project. That project was re-developed using state grant money. The terms of the state grant requires them to get their certificate of appropriateness from the state agency. They did not need to come before this board because of that. As an independent owner you don't have that option and you have to come before the local historic preservation board which is this board.

Ms. Crabb – I am going to table 194 Lander Street. We are not going to vote on it and we are not going to close the public hearing. You can go and talk to the owner. See if he wants to change anything and then come back to us. It doesn't have to be brick but we are limited.

Ms. Kelson – I wanted to explain something to this particular applicant. We only have 4 members present out of a 7 member board. The minimum number of votes to approve anything is 4. So tonight anything that is approved needs all 4 votes. If we had 5 or 6 people here one person could vote no and you still might get an approval if 4 other people voted yes. We are suggesting tabling 194 Lander, go back to the owner, make changes, don't make changes, that is entirely up to you. You can come back next month and hopefully there will be more members present.

AR 2007-38

194 Lander Street

To rebuild damaged retaining wall using cultured stone (Aspen Dressed fieldstone) and steps and install a new wrought iron railing.

Applicant: Jose Esquerette

Owner: Keith Hills

This application is tabled until next month.

AR 2007-39

40 City Terrace

To apply 8" pine shiplap siding with chocolate solid stain on north side of barn over existing sheathing; multi paned casement window at peak in existing opening; replicate south sliding garage door; replace north sliding garage door with steel framed glass gallery window; install Victorian iron gate; restore sidewalk; install exterior lighting.

Applicant: Jackson Krall

Jackson Krall appeared before the board.

Mr. Krall explained his project to the board. He would like to apply pine shiplap siding. There is a window opening at the top and he would like to put a window there. Multi pane window on basement. 6 over 6 vinyl clad wood. Replace sliding doors in front with steel frame – add 4 panes of glass to create a gallery window. Add exterior lighting – coach lamps on either side. Shutters – iron window. Add exterior lighting – coach lamps on either side. Shutters – Victorian style. Wood shutter. Wood color will be chocolate. Metal shutters – black. Replace chain link gate with wrought iron – late 1800's pattern.

Ms. Flynn – concerned about losing an original feature in regards to the detail of the door.

Mr. Krall – Is trying to retain the theme of the doors with the crosses.

Mr. Passarotti – What about changing to vertical slats behind?

Mr. Krall – I do not have a problem with that.

Ms. Lonczak – It is a more contemporary interpretation of the original.

Mr. Passarotti – I like the way the X's pop on the original doors.

There were no people to speak for or against this appeal.

The public hearing was completed on May 8, 2007.

Mr. Krall – Will restore – level out- sidewalk. Pave with red brick the 3 ft space between the bluestone and the street. Curbstone in front of window. Building one wood sliding door on the right the door on the left would be replaced with the steel frame. Glass with chicken wire imbedded will not move for effect and security. They sliding door when opened will open in front of window.

A motion to approve the application was made by Mr. Passarotti and seconded by Ms. Lonczak.

The motion was approved with a vote of 4-0.

AR 2007-40**253 Broadway**

To install new continuous wood crown molding – color to be white; new stucco exterior finish – color to be off-white; new vinyl clad window units with decorative trim and casing; two exterior metal doors and frame; new aluminum storefront window unit as selected by owner – color to be black; wood brackets and trim board – color to be royal blue; new signage 5/4 x 12" trim board with 1 x 2 trim @ top – color to be white with black lettering; wood pilasters with cap and base-type at two locations.

Applicant: Roderick Barnes

Roderick Barnes appeared before the board.

Mr. Barnes explained his project to the board. I would like to put up a new façade. Use existing brick, new stucco, add decorative around windows and replace the doors with wooden doors with glass.

The board does not like upper detail for windows.

Mr. Passarotti – Does not like the color combination of the off white and the blue.

Mr. Barnes – The doors will be light brown. There will be vinyl clad wood windows. The trim on the storefront will be black.

Support beam in center needs to stay.

There were no people to speak for or against this appeal.

The public hearing was completed on May 8, 2007.

Application was tabled until next month for:

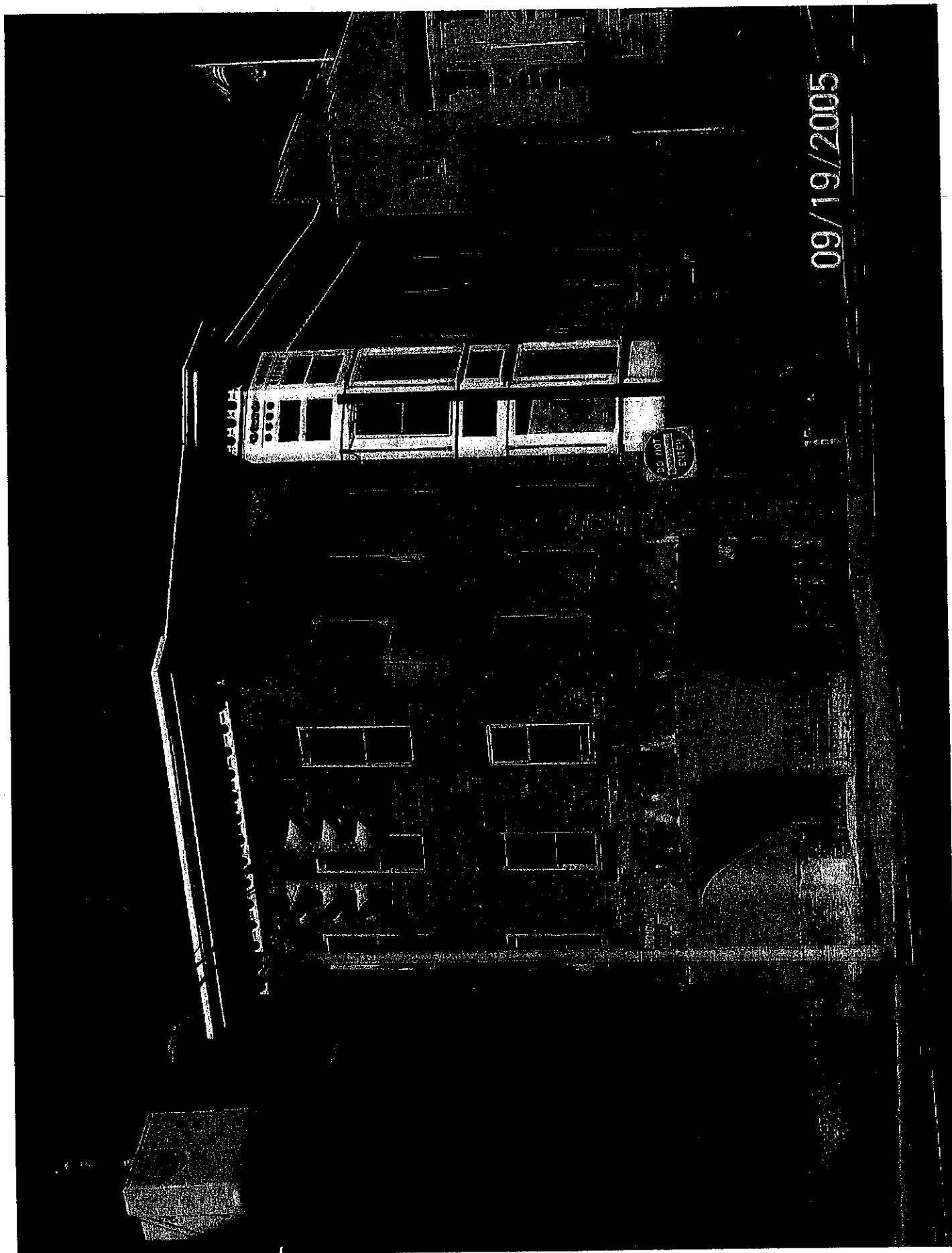
- New choice of colors – Historic.
- Tone down trim.
- New color for storefront frame.
- Columns or no columns on bottom floor.

Meeting adjourned at 9:15 p.m.

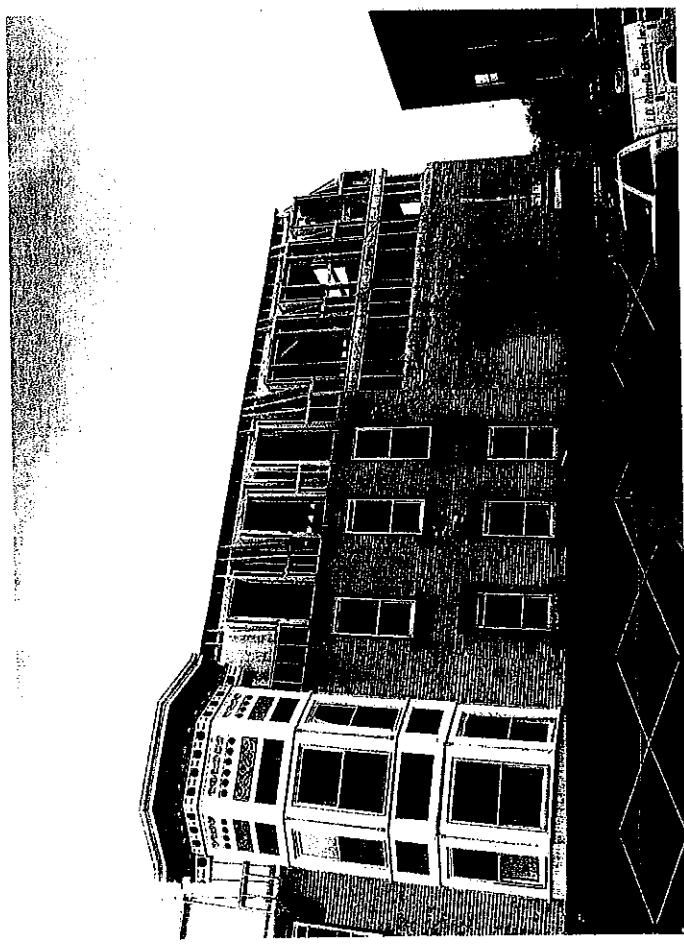
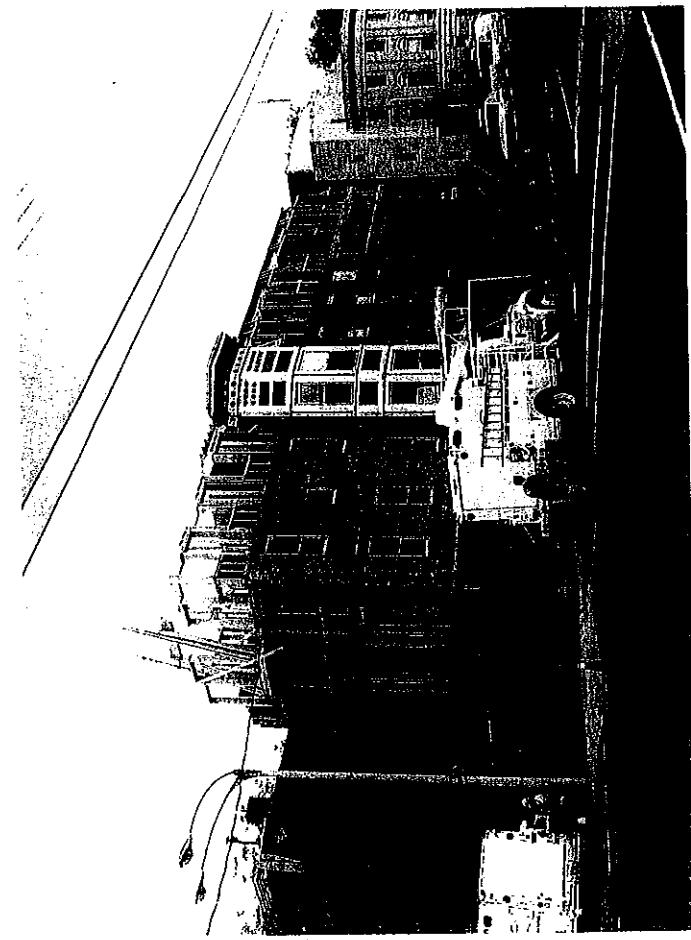
Respectfully submitted,

Nancy Evans

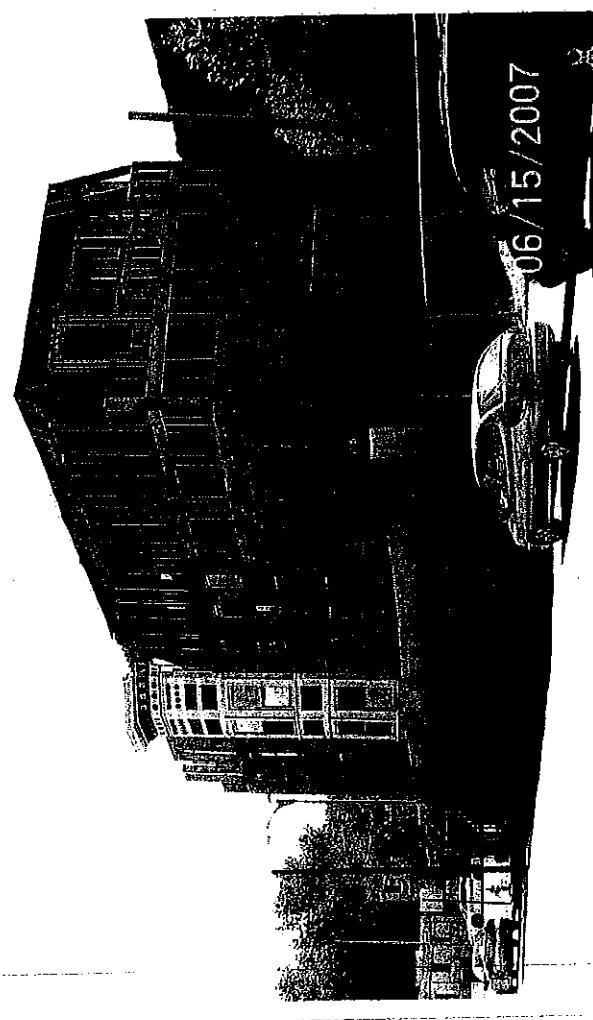
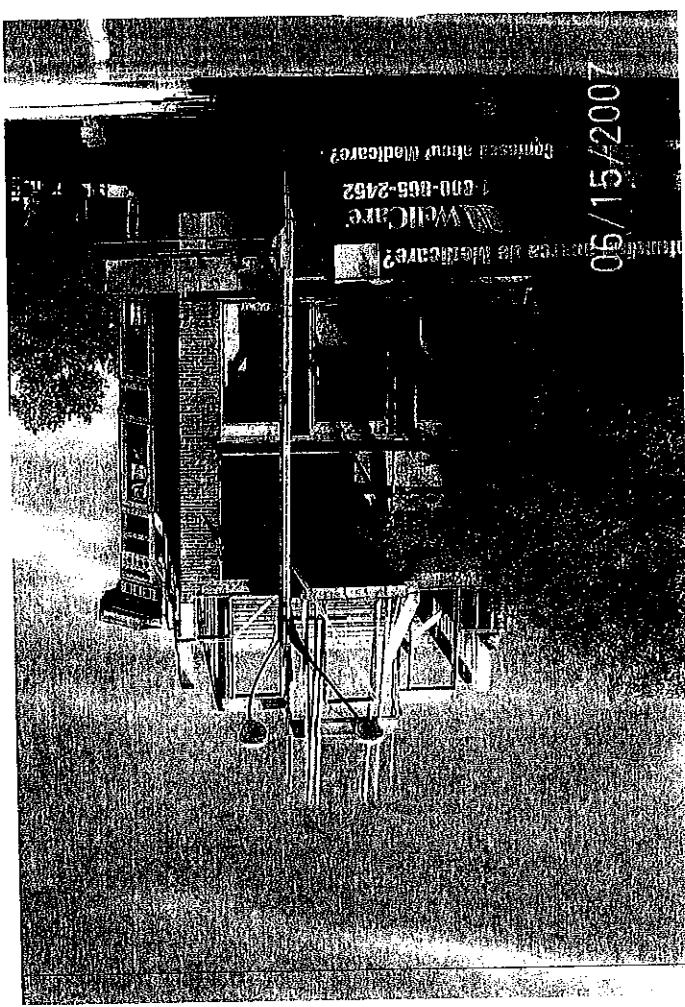
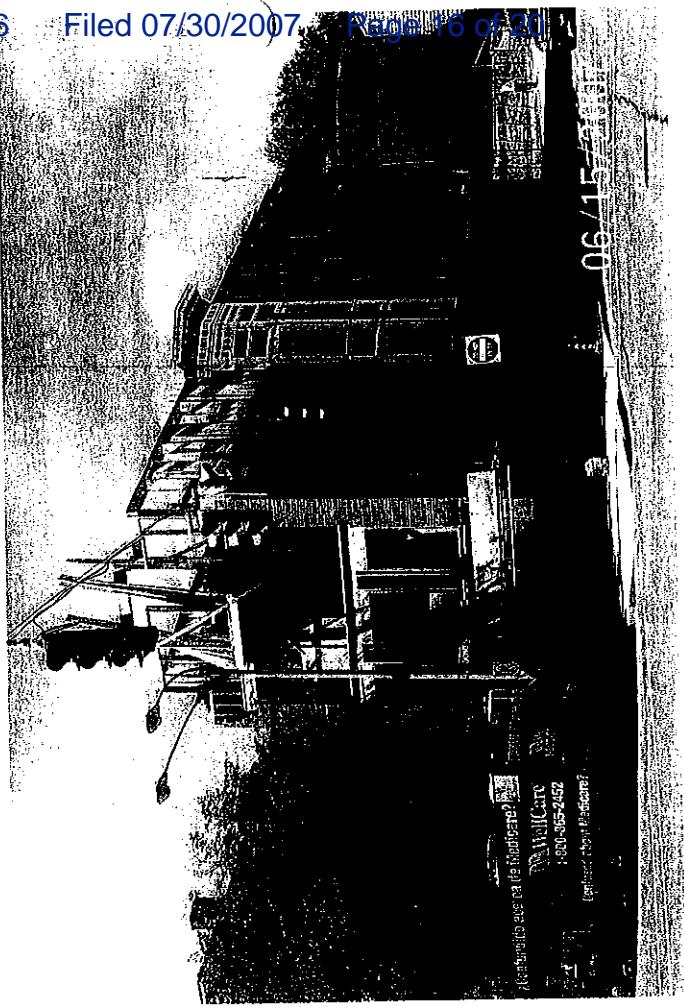
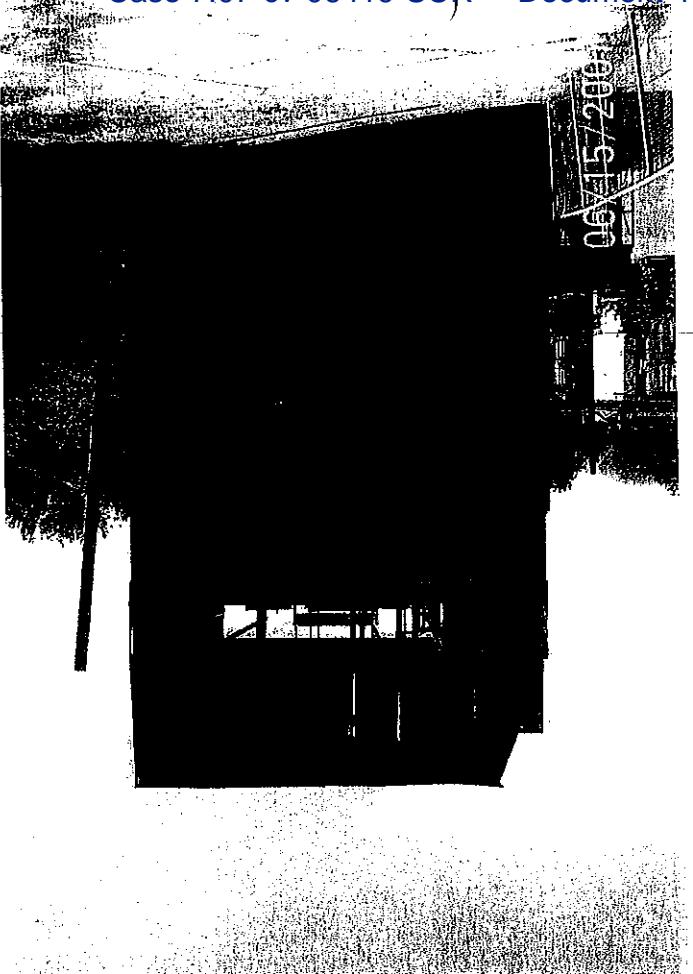
Secretary



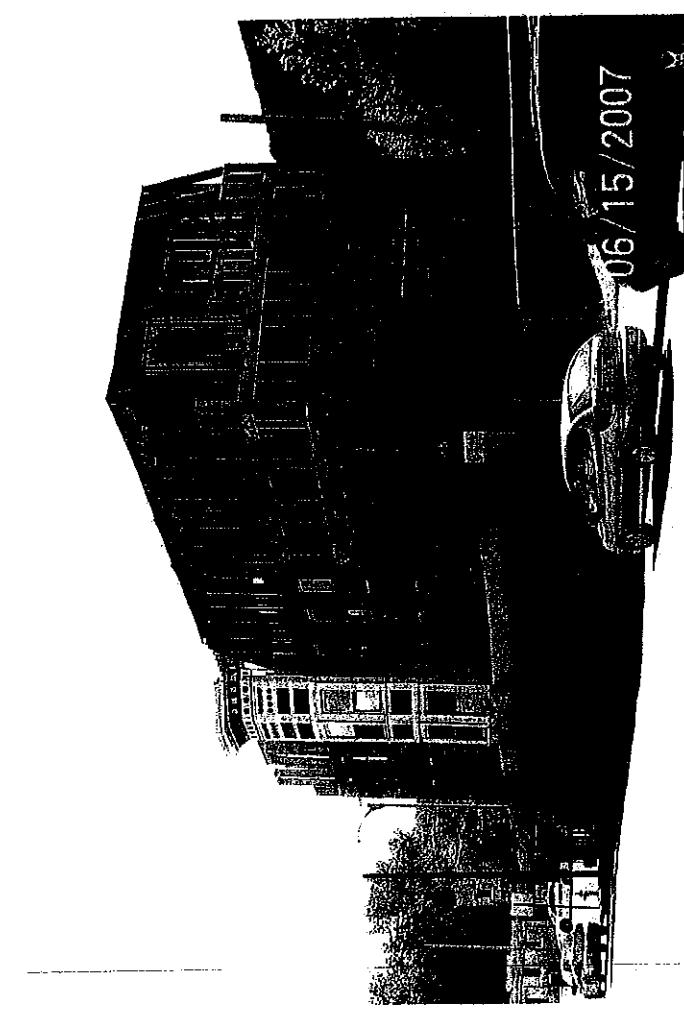
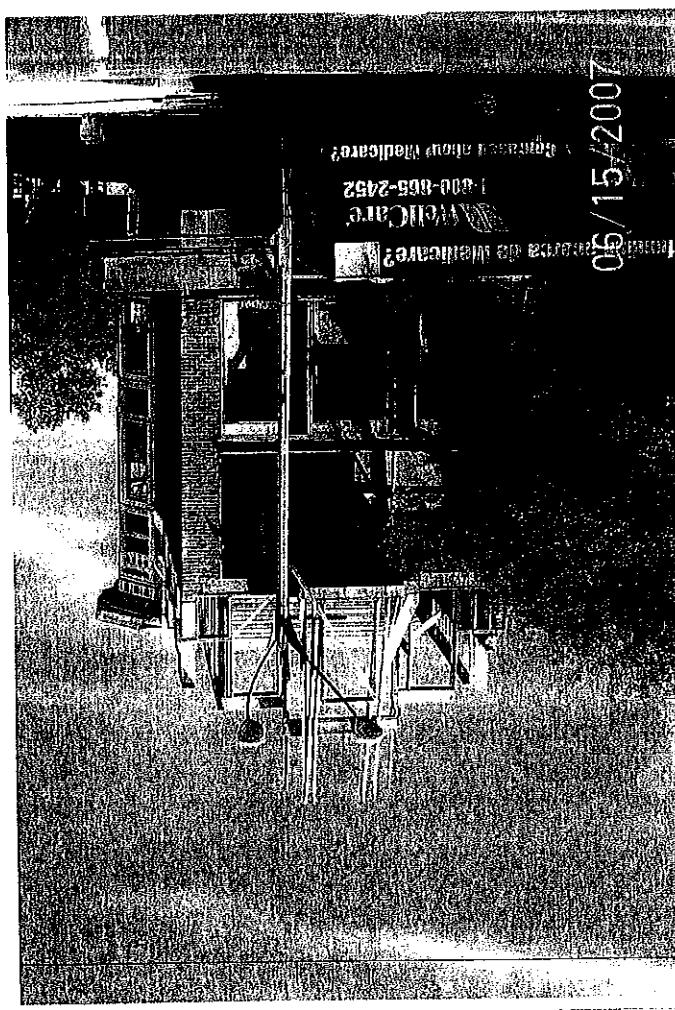
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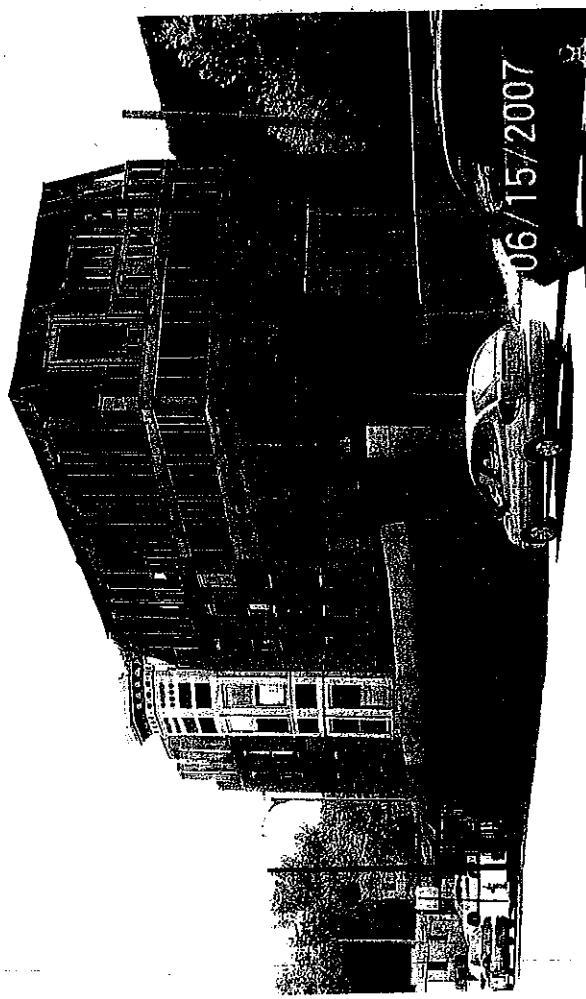
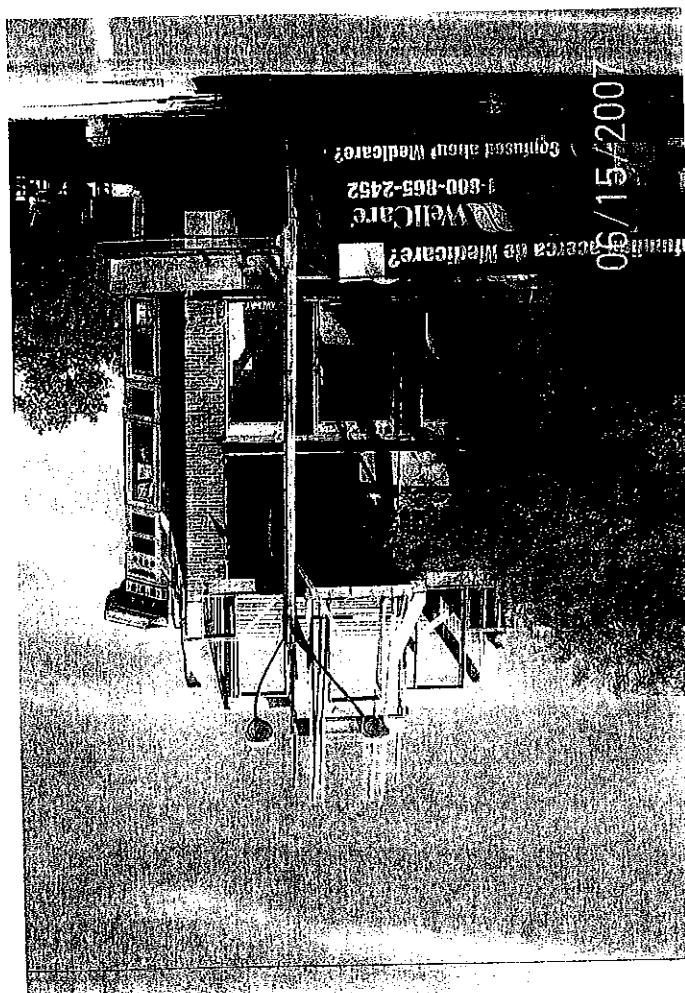
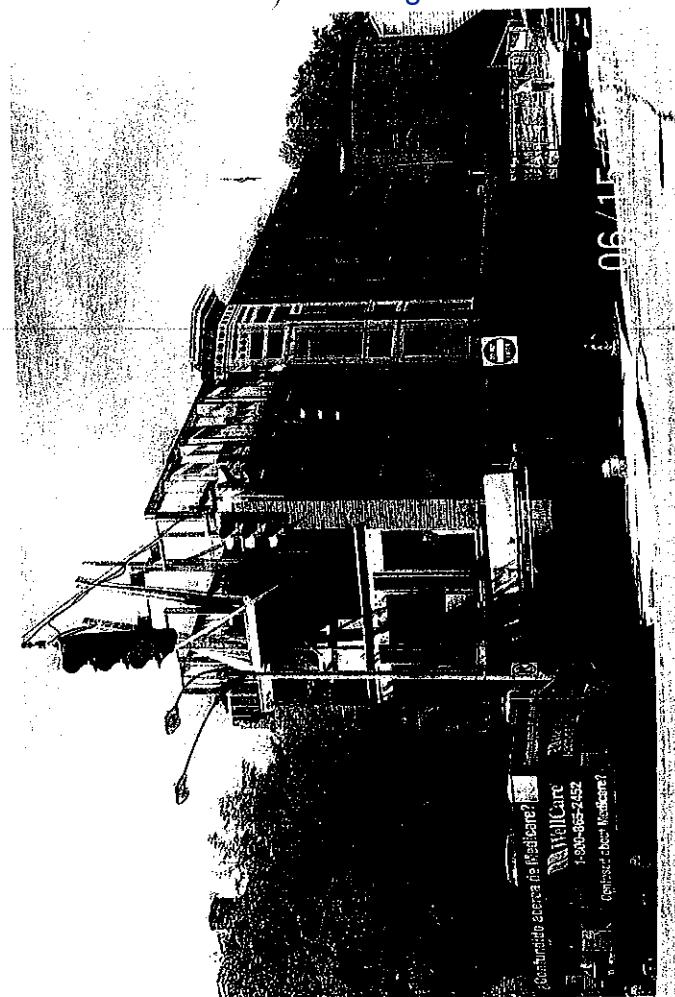
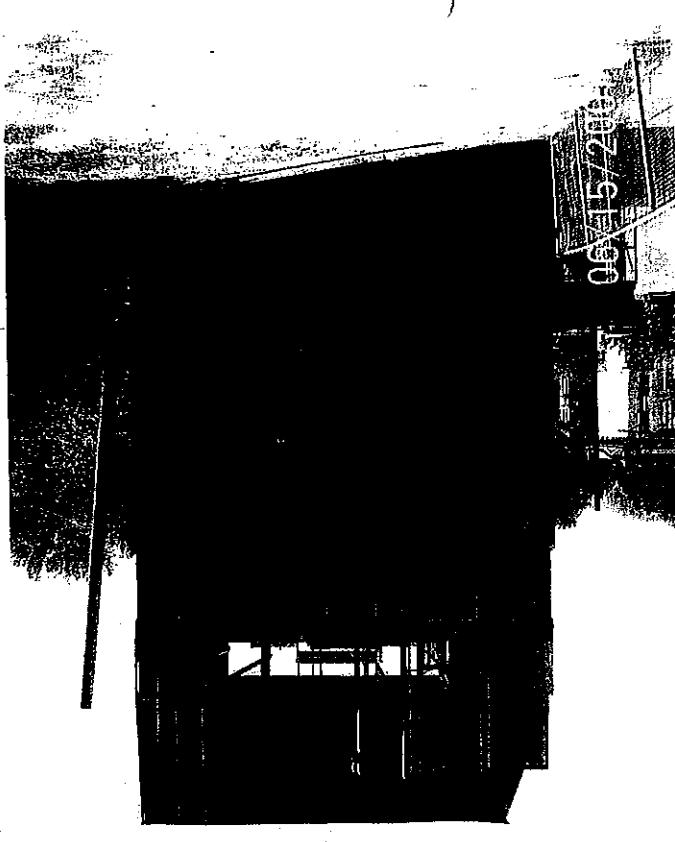
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CATHY BRENNAN
 ADMINISTRATIVE ASSISTANT

City of Newburgh
 83 Broadway
 Newburgh, New York 12550
 Ms. J. Mc Grane, City Manager

June 8, 2007

Re: 96 Broadway-Construction Loss

Dear Ms. Mc Grane:

My office represents the owners of the property located at 96 Broadway, City of Newburgh, Newburgh, New York. Enclosed, please find their bill in the sum of Seven Hundred and Eighty-Four Thousand (\$784,000.00) Dollars. Please remit this sum in the next thirty (30) days. The bill is based on the claimed-published mistake of the City's former building inspector and the City's violation of the owners' Constitutional and Statutory rights.

By way of background, the building was purchased in June 2005. In September 2005, application for a building permit was requested. At the direction of the Newburgh City Building Department, the owners submitted their engineer's and architectural plans for the changes to the building. The Plans were submitted to the Building Department and City Planning Board. After extensive changes to the plans, the plans were approved by the Planning Department as well as the Building Department. In fact, in or about March 2006, a building permit was paid for in full and issued by the Building Inspector.

On or about June 20, 2006, the Building Department issued a Stop-Work Order and advised that the owners were required to submit the previously approved Plans for a second approval to the City's Architectural Review Commission ("ARC"). Alternatively, the Building could be restored to its former condition. It was agreed between the owners and the Building Department that work would be stopped and that the City would be responsible for any additional cost to the owners.

Notwithstanding numerous attempts by the owners to avoid the consequences of litigation, the matter remains unresolved. Recently, the owners were advised that the ARC had rejected their plans. Based the denial of the ARC the owners have elected to restore the building to its former appearance. Work will commence on June 21, 2007.

We consider the matter resolved. You must remit payment or we the owners will be forced to commence an action for the recovery of their losses, which were once again the result of the admitted mistake of the City's Building Inspector.

Truly yours,

Douglas R. Dollinger

DRD/dn

Encls.

Cc: Corporation Counsel City of Newburgh
 Newburgh City Building Department